

NINETEENTH DAY.

Senate Chamber,
Austin, Texas, Thursday, April 30, 1903.

Senate met pursuant to adjournment.
Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Wilson.
Harper.	

Absent.

Harbison. Willacy.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Douglass, the same was dispensed with.

The Chair declared the morning call concluded.

RESOLUTION—TO PAY FOR TYPE-WRITERS.

Senator McKamy offered the following resolution:

Whereas, Seven typewriters have been used by the clerks of the Senate during the present Called Session; therefore, be it

Resolved, That the rent for said seven typewriters be paid out of the contingent expense fund.

The resolution was adopted.

RESOLUTION—ABOUT JOURNALS.

Senator Hill offered the following resolution:

Resolved, That 250 volumes of the Senate Journal of the Regular Session, together with the Senate Journal of the First Called Session of the Twenty-eighth Legislature, when completed and printed, be bound together in one volume in full law sheep, and that one volume thus bound be transmitted by the Secretary of State to each member of the Senate, and to each member of

the House of Representatives, and to each officer of the Senate.

The resolution was adopted.

RECESS.

On motion of Senator Sebastian, the Senate took a recess until 11 o'clock.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 30, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 4, A bill to be entitled "An Act to authorize the Governor of the State of Texas, in conjunction with the President of the United States, to run and mark the boundary lines between the Territories of Oklahoma and New Mexico and the State of Texas, and to make an appropriation therefor, and declare an emergency," with amendments.

Senate bill No. 12, A bill to be entitled "An Act making an appropriation for the sum of \$16,228.60, or so much thereof as may be necessary, for the support and maintenance of the Confederate Home at Austin, from May 1, 1903, to September 1, 1903, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 4—HOUSE AMENDMENTS CONCURRED IN.

Senator Decker called up

Senate bill No. 4, A bill to be entitled "An Act to authorize the Governor of the State of Texas, in conjunction with the President of the United States, to run and mark the boundary lines between the Territories of Oklahoma and New Mexico and the State of Texas, and to make an appropriation therefor, and declare an emergency,"

And moved that the Senate concur in the following House amendments:

"Amend by striking out all of Section 1 and lines 23 to 32 of Section 2, inclusive, to the word 'provided,' and insert in lieu thereof the following:

"Section 1. That the Governor of the State of Texas be and he is hereby authorized and empowered to appoint a

commissioner who, in conjunction with such commissioner as may be appointed by and on behalf of the United States for the same purpose, shall run and mark the boundary between New Mexico and Texas as determined by John H. Clark, the commissioner on the part of the United States in the year 1859, and the northern boundary of Texas lying between the one hundredth and the one hundred and third meridian of longitude west of Greenwich. Beginning at the intersection of the thirty-second parallel of north latitude with the Rio Grande river, as determined by said Clark in 1859; thence east along said parallel as determined by him to its intersection with the one hundred and third meridian of longitude west of Greenwich; thence north along said meridian of longitude as determined by said Clark to its intersection with parallel 36-30 north latitude as determined by said Clark; thence east along the parallel of latitude 36-30 to its intersection with the one hundredth meridian of longitude west of Greenwich.

"Sec. 2. That the monument established (under authority of the Act of Congress approved January 15, 1901) by Arthur D. Kidder, United States Examiner of Surveys, as the point of intersection of the true one hundredth meridian with Red River shall be accepted as correct.

"The said commissioners shall run and mark said boundary lines and erect such monuments as may be agreed on by the United States commissioner acting under his authority, and the commissioner of Texas acting under his authority."

The motion to concur in the House amendments prevailed.

SENATE BILL NO. 12 SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read:

Senate bill No. 12, "An Act making an appropriation for the sum of \$16,228.60, or so much thereof as may be necessary, for the support and maintenance of the Confederate Home at Austin, Texas, from May 1, 1903, to September 1, 1903, and declaring an emergency."

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 30, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to

inform the Senate that the House has passed the following bills:

House bill No. 20, A bill to be entitled "An Act to amend Article 4494, Chapter 10, of Title XCIV, of the Revised Civil Statutes of 1895, relating to duties and liabilities of railroad corporations," with engrossed rider:

"Amend House bill No. 20 by inserting after the word 'therefor,' in line 16, the following:

"Every such corporation is hereby required to keep at some convenient place in their waiting rooms at their stations where tickets are sold for the transportation of passengers, clean, fresh drinking water for the use of the traveling public, and shall also be required to erect and keep in good repair water closets at such stations for the use of the traveling public."

House bill No. 19, A bill to be entitled "An Act to amend Article 3139 of the Revised Civil Statutes of the State of Texas, and Articles 378, 393, 394, 668 and 673, of the Code of Criminal Procedure of the State of Texas, relating to the qualification of jurors."

House does not concur in Senate amendments to Substitute House bill Nos. 10 and 12, and a Free Conference Committee is requested. The following has been appointed on part of the House: Messrs. Talbot, Hudson, Pickett, Nowlin, Jackson.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair had read and referred, after their captions had been read, the following bills:

House bill No. 19, A bill to be entitled "An Act to amend Article 3139 of the Revised Civil Statutes of the State of Texas, and Articles 378, 393, 394, 668 and 673, of the Code of Criminal Procedure of the State of Texas, relating to the qualifications of jurors."

Referred to Judiciary Committee No. 1.

House bill No. 20, A bill to be entitled "An Act to amend Article 4494, Chapter 10, of Title XCIV, of the Revised Civil Statutes of 1895, relating to duties and liabilities of railroad corporations."

Referred to Committee on Internal Improvements.

REQUEST FOR FREE CONFERENCE COMMITTEE GRANTED.

Senator Savage called up
Substitute House bill Nos. 10 and 12.

And moved that the request for a Free Conference Committee be granted.

The motion prevailed, and

The Chair appointed the following on part of the Senate: Senators Hill, Hicks, Paulus, Cain and Savage.

RECESS.

On motion of Senator Henderson, the Senate took a recess until 3 o'clock p. m. today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Davidson of Galveston.

There being nothing before the Senate at this hour,

Senator Davidson of DeWitt moved that the Senate take a recess until 3 o'clock p. m. today.

The motion prevailed.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

COMMITTEE REPORTS.

The following committee reports were offered:

JUDICIARY NO. 1.

MAJORITY REPORT.

Committee Room,
Austin, Texas, April 30, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 19, A bill to be entitled "An Act to amend Articles 3139 of the Revised Civil Statutes of the State of Texas, and Articles 378, 393, 394, 668 and 673, of the Code of Criminal Procedure of the State of Texas, relating to the qualification of jurors,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that the same be not printed.

HANGER, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, April 30, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: A minority of your Judiciary Committee No. 1, to whom was referred

House bill No. 19, A bill to be entitled "An Act to amend Article 3139 of the Revised Civil Statutes of the State of Texas, and Articles 378, 393, 394, 668 and 673, of the Code of Criminal Procedure of the State of Texas, relating to the qualification of jurors,"

Do not concur with the majority, and beg leave to recommend that it *do not* pass, and that it be not printed.

PERKINS,
FAULK.

Committee Room,
Austin, Texas, April 30, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 20, A bill to be entitled "An Act to amend Article 4494, of Title XCIV, Chapter 10, of the Revised Civil Statutes of 1895, and to add thereto Article 4494a, relating to the duties and liabilities of railroad corporations,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that the same be not printed.

HANGER, Chairman.

RESOLUTION.

Senator Douglass offered the following resolution:

Senate Concurrent Resolution No. 5:

Whereas, In grateful recognition and affectionate remembrance of the unmatched courage of Captain Dick Dowling and his command of forty-one men at the battle of Sabine Pass, the patriotic people of Houston will unveil the monument in June to perpetuate for all time their courage and intrepidity; and

Whereas, These heroes, by exposing themselves to imminent peril and a display of self-forgetfulness unequalled in all the annals of the world, drove the Federal expedition back to New Orleans, and thus prevented an invasion of Texas by eleven thousand troops, and saved the human slaughter and destruction of property by a ruthless foe, which this invasion would have entailed; and

Whereas, The dead president of the dead Confederacy said this was one of the most brilliant victories and most far-reaching in its effects of any battle fought during the war between the States; and

Whereas, Doctor G. H. Bailey, now of Phoenix, Arizona, a surgeon in Captain Dowling's company, who commanded a part of a battery in that renowned engagement, is the sole and only survivor of that immortal forty-one, all others

having sheathed their swords, furling their flags and crossed into the great unknown; and

Whereas, The people of Texas, without reference to party or creed, are anxious to pay homage to this grand old patriot and hero in the twilight of his eventful life; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that as representatives of the people of Texas, we extend to Dr. G. H. Bailey a most heartfelt invitation to attend the uncordial and heartfelt invitation to attend the unveiling of said monument in Houston, at the request of the State, on that interesting occasion.

The resolution was adopted.

SIMPLE RESOLUTION.

Senator Decker offered the following resolution:

Whereas, The National Bankrupt Law has served all purposes for which it was enacted; and

Whereas, The general welfare of Texas will be promoted by it repeal; therefore, be it

Resolved by the Senate of Texas, That the Texas delegation in the National Congress be requested to use their best efforts to secure repeal of said act.

DECKER,
HALE,
HARPER,
LIPSCOMB.

The resolution was adopted.

BILLS SIGNED BY THE CHAIR.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

Senate bill No. 4, "An Act to authorize the Governor of the State of Texas, in conjunction with the President of the United States, to run and mark the boundary lines between the Territories of Oklahoma and New Mexico and the State of Texas, and to make an appropriation therefor, and declare an emergency."

House Concurrent Resolution No. 8, Relating to the death of Dr. J. L. M. Curry, formerly the agent of the Peabody Educational Fund.

House bill No. 18, "An Act to create a more efficient road system for Fannin county, Texas."

HOUSE BILL NO. 20.

Senator Faulk called up

House bill No. 20, A bill to be entitled "An Act to amend Article 4494, Chapter 10, of Title XCIV, of the Revised Civil

Statutes of 1895, relating to duties and liabilities of railroad corporations."

On motion of Senator Faulk, the Senate rule requiring committee reports to lie over one day was suspended.

HOUSE BILL NO. 19.

On motion of Senator Davidson of DeWitt, pending business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 19.

Senator Davidson of DeWitt moved that the Senate rule requiring committee reports to lie over one day be suspended.

The motion prevailed, and

On further motion of Senator Davidson of DeWitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—21.

Brachfield.	Hanger.
Davidson of	Harper.
DeWitt.	Henderson.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Perkins.
Faust.	Sebastian.
Grinnan.	Wilson.
Hale.	

Absent.

Beaty.	Lipscomb.
Cain.	Paulus.
Harbison.	Savage.
Hicks.	Stafford.
Hill.	Willacy.

The Chair here laid before the Senate, on its second reading,

House bill No. 19, A bill to be entitled "An Act to amend Article 3139 of the Revised Civil Statutes of the State of Texas, and Articles 378, 393, 394, 668 and 673, of the Code of Criminal Procedure of the State of Texas, relating to the qualification of jurors."

There being a majority and a minority committee report on the bill,

Senator Davidson of DeWitt moved that the majority committee report be adopted.

The motion prevailed.

Senator Davidson of DeWitt offered the following amendment:

"Amend by striking out the proviso in Subdivision 1, of Section 1, also the proviso in Subdivision 1, of Section 2, (Article 378); also the proviso in Subdivision 1, of Section 3 (Article 393); also the proviso in Subdivision 1, of Section

5 (Article 668) ; also the proviso in Sub-division 1, of Section 6 (Article 673), and inserting in each place, in lieu of such proviso, the following: 'But whenever it shall be made to appear to the court that the requisite number of jurors, who have paid their poll taxes, can not be found within the county, the court may dispense with the requirement of the payment of poll taxes as a qualification for service as a juror.'"

(Senator Savage in the chair.)

Question—Shall the amendment be adopted.

The yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—15.

Cain.	Hanger.
Davidson of	Hicks.
DeWitt.	Martin.
Decker.	Morris.
Douglass.	Paulus.
Faubion.	Perkins.
Faulk.	Savage.
Hale.	Wilson.

Nays—11.

Beaty.	Hill.
Brachfield.	Lipscomb.
Davidson of	McKamy.
Galveston.	Mills.
Grinnan.	Sebastian.
Henderson.	Stafford.

Absent.

Faust.	Patteson.
Harbison.	Willacy.
Harper.	

Bill read second time, and passed to a third reading.

On motion of Senator Perkins, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Paulus.
Faubion.	Perkins.
Faulk.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Wilson.

Absent.

Faust.	Harbison.
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Harper.
Patteson.

Willacy.

The bill was read third time, and passed by the following vote:

Yeas—22.

Beaty.	Harper.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	Mills.
Galveston.	Morris.
Decker.	Paulus.
Faulk.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Wilson.

Nays—5.

Douglass.	McKamy.
Faubion.	Stafford.
Henderson.	

Absent.

Faust.	Patteson.
Harbison.	Willacy.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 30, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 10,
Relating to the unveiling of a monument to the memory of Capt. Dick Dowling and his command.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

(Lieutenant Governor Neal in the chair.)

RESOLUTION.

Senator Faulk offered the following resolution:

Whereas, On the 29th of April, inst., the Senate passed a resolution instructing the Free Conference Committee on the part of the Senate on the Appropriation bill to insert a clause in said bill, that no part of the money appropriated therein should be used to pay any employe in any State department or institution who is related within the third degree by affinity or consanguinity to the head of any such department and institution, and that no warrant shall be drawn by the Comptroller or paid by the Treasurer for any such employe; and

Whereas, It has been made known to the Senate that it will be impossible for

the two committees to agree on the insertion of such provision in the bill; therefore, be it

Resolved, That in order that said committee on the part of the Senate may be able to make a report that will be agreed to by the House committee, and thereby obtain an appropriation bill, said committee is hereby relieved from insisting on the insertion of said clause and from making report on the same; but this resolution shall not be so construed that the Senate in any way retracts its action in the adoption of said resolution which denounces the practice of nepotism.

[Signed FAULK,
PERKINS,
BRACHFIELD.]

The resolution was read second time, and adopted.

SPECIAL COMMITTEE APPOINTED.

The Chair announced the following committee in accordance with the resolution adopted on yesterday:

Senators Sebastian, Paulus, Hale, Douglass, Stafford.

ADJOURNMENT.

On motion of Senator Stafford, the Senate adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

COMMITTEE REPORTS.

The following committee reports were offered:

ENROLLED BILLS.

Committee Room,
Austin, Texas, April 30, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 4, "An Act to authorize the Governor of the State of Texas, in conjunction with the President of the United States, to run and mark boundary lines between the Territories of Oklahoma and New Mexico and the State of Texas, and to make an appropriation therefor, and declare an emergency,"

And find the same correctly enrolled, and have this day, at 4:25 o'clock p. m., presented same to the Governor for his approval.

HALE, Chairman.

Committee Room,
Austin, Texas, April 30, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 12, "An Act making an appropriation for the sum of \$16,228.60, or so much thereof as may be necessary, for the support and maintenance of the Confederate Home at Austin, Texas, from May 1, 1903, and declaring an emergency,"

And find the same correctly enrolled, and have this day, at 4:25 o'clock p. m., presented same to the Governor for his approval.

HALE, Chairman.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas, Friday, May 1, 1903.

Senate met pursuant to adjournment.

Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Davidson of	Mills.
Galveston.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harper.	Wilson.
Henderson.	

Absent.

Decker.

Harbison.

Pending the reading of the Journal of yesterday,

On motion of Senator Faulk, the same was dispensed with.

The chaplain, Rev. I. S. Davenport, delivered the following prayer:

Our Father in heaven, we have come to the closing day of this session, and now, as we shall all doubtless never stand together again, until we stand at the great judgment bar, we would thank Thee for all Thy mercies extended unto us during our association.

We thank Thee that neither death nor serious sickness has visited our number,